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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,658	06/15/2001	Michael J. Pallett	32688.0004	8511
7590	09/08/2004		EXAMINER	
R. Kent Roberts Hodgson Russ LLP Suite 2000 One M&T Plaza Buffalo, NY 14203-2391			TRAN, MYLINH T	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/882,658	PALLETT ET AL.
Examiner	Art Unit	
Mylinh T Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 May 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-74 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-74 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 15 June 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weitz [US. 6,445,682] in view of Palmer et al. [US. 6,259,444].

As to claims 1, 14, 17, 23, 35, 38, 65 and 69, Weitz discloses a computer implemented method and corresponding apparatus for programming a communication system comprising the steps/means for providing a list of one or more action signal icons ("an animated icon, caller ID information may include one or more icons the clicking of which causes the call to be answered..."), each action signal icon corresponding to an action signal that may be provided; selecting at least one of the action signal icons to indicate a selected action signal. However, Weitz does not disclose associating a trigger signal with the selected action signal so that when the trigger signal is next received, the action signal is automatically sent. Palmer et al. teaches the associating a trigger signal with the selected action signal at column 11, lines 55-59, column 14, lines 17-23 and 35-40 and column 18, line 37 through column 19, line 20 (the caller desires to speak with the system operator, the caller presses the call button by the step of clicking (trigger signal) on the station, in response to the

pressing, the trigger signal maybe sent to the controller then the controller identifies an associated action signal by causing the call to be answered). Although Weitz does not show the call-received signal and the answer-call signal are not join, Palmer teaches the feature at the cited lines "An action item can be customized further by double clicking on the action item icon to execute the associated editor to further define the behavior of the action item application".

As to claims 2, 4, 24, 45 and 52, Weitz teaches the communications system being an intercom system (column 5, lines 60-67, the system of Weitz is an intercommunication system).

As to claim 3, Weitz also discloses the communications system includes a user communication device capable of providing a trigger signal (column 18, lines 45-50 "a call may come in through WAN services network and be directed to a main telephone number, which may be designated to be forwarded to a telephone associated with a person running the office attendant type program").

As to claims 5, 25, 46 and 53, Weitz teaches the communications system being a paging system (column 37, lines 55-61 and column 48, lines 18-33).

As to claims 6, 26, 47 and 54, Weitz also teaches the communications system being telephone system (column 2, lines 50-63).

As to claims 7, 27, 48 and 55, Weitz shows the communications system being a conference system (column 16, line 65 through column 17, line 23).

As to claims 8, 28, 49 and 56, Weitz also shows the communications system being a media retrieval system (column 34, lines 51-60).

As to claims 9, 29, 50 and 57, Weitz provides the communications system being a time tracking system (column 25, lines 20-30).

As to claims 10, 30, 51 and 58, Weitz also provides the communications system is an event tracking system (column 38, lines 31-53).

As to claims 11, 32, 59, 62 and 70, Weitz demonstrates the list of one or more action signal icons being provided via a monitor (column 18, lines 37-43 "Such windows may include, for example, an animated icon, caller ID information....").

As to claims 12, 33, 60, 63 and 71, Weitz also demonstrates the list of one or more action signal icons is provided using a graphical user interface (column 15, lines 53-60).

As to claims 13, 34, 61 and 64, Weitz discloses selecting at least one of the action signal icons includes moving an 25 identifying icon displayed on the monitor until the identifying icon coincides with one of the action signal icons (column 18, lines 36-50) (A mouse may be used to control the position of the identifying icon on the monitor, and when the identifying icon coincides with a desired action signal icon, the mouse is clicked).

As to claim 15-16 and 36-37, Weitz also discloses the trigger signal and action signal being a serial message (column 14, lines 22-32 and column 16, line 65 through column 17, line 5).

As to claims 18, 39, 66 and 72, Weitz shows identifying a device portion associated with the provided trigger signal and formatting the selected action signal to include the device portion of the provided trigger signal (column 18, line 36 through column 19, line 20, "a call may come in through WAN services network and be directed to a main telephone number, which may be designated to be forwarded to a telephone associated with a person running the office attendant type program").

As to claims 19, 20, 40, 41, 67, 68 and 73-74, Weitz also shows determining whether the provided trigger signal includes a place/end string; determining whether a line of communication is open; if it was determined that the provided trigger signal includes a place/end string and a line of communication is open, closing the line of communication (column 19, lines 50-67, call party/existing call).

As to claims 21 and 42, Weitz teaches the trigger signal being provided by the user communication device (column 2, lines 55-63 and column 6, lines 55-65).

As to claims 22 and 43, Weitz also teaches the action signal being provided to a programmable logic controller (column 2, lines 38-47).

As to claim 31, Weitz provides the controller being a computer (column 2, lines 38-55).

As to claim 44, the claim is analyzed as previously discussed with respect to claims 1 and 23.

Response to Arguments

Applicant's arguments with respects to claim 1-74 have been considered but are moot in view of the new ground of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703)

746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Heather Herndon, can be reached on (703) 308-5186. All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Art Unit: 2179

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

Art Unit 2179

BA HUYNH
PRIMARY EXAMINER